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## MTL pass Resolution #00-71, additions to Tribal Rolls

By Yvonne Matson  
Menominee Nation News

Resolution #00-71 was approved 5-2 in open session at a regular meeting of the Menominee Tribal Legislature on Thursday, December 7th.

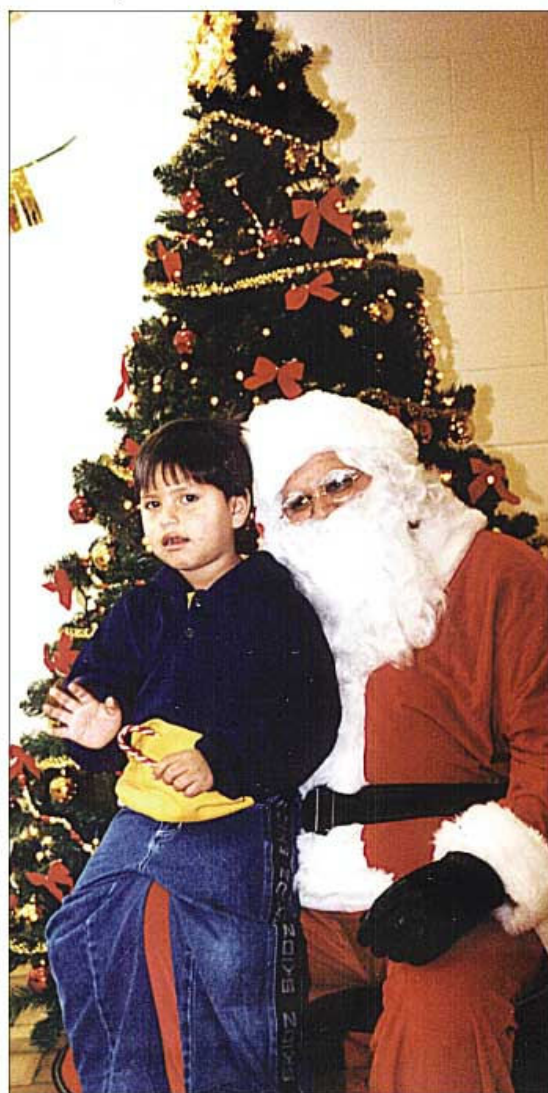
A statement issued by Tribal Attorney Rita Keshena, explains the reasoning behind the resolution and is printed in its entirety on page 2 of this issue. She states in part that the "Tribal Court provided for a remedy to address past mistakes." The Attorney, referring to a ruling handed down by the Tribal Judicial System that Tribal Ordinance #79-15 is unconstitutional, added that the "Court's opinion points out that any tribal member would be able to file a lawsuit in Tribal Court to challenge all those persons who have been enrolled by the Enrollment committee and not approved by the Tribal Legislature." As a result, such

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## Breakfast with Santa



Y. Matson/MNN

In years past, children in the Menominee community received a bag of candy and a photo with Santa Claus. Times have changed within the last several years. The community breakfasts have proven to be a more positive approach in bringing the family together at social functions. "It's a chance to bring the whole family unit together," said Patricia Tourtillott, JOM Director. Above, 5 year-old Aaron Penass told Santa he wanted "lots of things for Christmas" during a breakfast held at Keshena Primary School on December 9th. Community breakfasts were also held the following weekend at the South Branch and Neopit Community Centers. The event was a joint effort of JOM, Recreation, Boys & Girls Club, Maehnowesekiyah and the Drug Elimination Programs.

## Frechette-Kelley to run as write-in

By Yvonne Matson  
Menominee Nation News

KESHENA, Wis. - Current incumbent, Barbara Frechette-Kelley has announced plans to run as a write-in candidate in the final election of the Menominee Tribal Legislature.

Kelley currently serves as Vice-Chair for the Legislature (since 1999). She previously held the Vice-Chair position in 1981 and

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## Rural women face different obstacles in escaping domestic violence

By  
Associated Press

ST. PAUL, Minn. (AP) - Isolation, fear of gossip and worries over who will feed the livestock are all obstacles for rural women trying to flee domestic violence.

"Rural women are isolated in unique ways, and it's not all about being out on a farm somewhere," said Marion Kershner, a public health nurse and co-author of a

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## RESOLUTION:

persons would be subject to removal from the tribal roll. The resolution in effect approves all persons added to the Menominee Tribal Roll from 1979 to December 7, 2000.

The Resolution comes on the heels of a decision handed down by the Tribal Court in favor of Louis J. Dixon who filed a petition for an ex parte (a one-sided or strongly biased point of view) order in Tribal Court preventing the Menominee Tribal Legislature, members of the Menominee Tribal Enrollment Committee, and the Director of the Tribal Enrollment Committee from taking any action to change the blood quantum of Bart Chevalier, and of any descendants of Mr. Chevalier. Mr. Chevalier is listed as half Menominee on the tribal rolls.

According to court records, Dixon argued that during the period of 1849-50, Mr. Chevalier 'received monies disbursed to mixed blood Indians.'

Dixon also asked the Court to hold a hearing to determine 'whether there is in fact a basis to allow or deny a blood quantum change for Bart Chevalier and eventually his descendants,' alleging that the descendants were attempting to change 'the blood quantum of Bart Chevalier from half-breed Indian to full blood.' The motion made by Dixon for an Ex parte Temporary Restraining Order (TRO) was denied by the Court on October 21, 1999. The motion was originally filed on October 20, 1999.

Mr. Dixon filed a new petition on November 1, 1999 which did not include a motion for a TRO since the Menominee Tribal Legislature had already acted upon the change in Bart Chevalier's blood quantum. Members of the Legislature made a request to the Court to determine 'whether or not the action taken was in fact in accord with the practices with past enrollment committees.'

However, the Court did not look at past enrollment practices as a guide, but would be looking at the Tribal Constitution to base their decision stating that the Tribal Enrollment Committee has in the past possessed unconstitutional powers.

Honorable Judge Mark Waukau handed down the following decision on November 29th, 2000. Menominee Tribal Ordinance 79-15, paragraphs (i), (j), (k), and (l) are declared unconstitutional as being in opposition to Article II, Section 3(b) of the Menominee Tribal Constitution & Bylaws, and shall be stricken from the official Menominee Tribal Ordinances. It is further ordered that all persons who were added to the Menominee Tribal Rolls as a result of the change in the blood quantum of Bart Chevalier, deceased, shall be stricken from the Menominee Tribal Enrollment records.

In accordance with the Constitution, the Court is limited in looking at decisions of the Tribe in enrollment matters, and that the authority to make enrollment decisions rests with the Menominee

Tribal Legislature. Further review of the Constitution indicated in Article II, Section 3(b), that '(t) he Committee shall have the authority to investigate suspected errors in the roll, and where it deems appropriate in view of evidence, shall recommend changes in the roll to the Tribal Legislature.'

The Court further ruled that nowhere does the Constitution give the Enrollment Committee the right to make the final decision, but instead only gives the Enrollment Committee the authority to investigate and make recommendations to the Tribal Legislature. Once the Committee makes those recommendations, it is the Tribal Legislature's duty to vote upon those recommendations, and the vote must be made according to standard procedures in open meeting.

As a result, members of the Chevalier family who were affected by the blood quantum change were put back on the rolls when the resolution was approved in open meeting.

According to court records, the courts have stated that they will not review the case, even if the Tribal Legislature were to make the application of the legislative act (resolution) retroactive to the date of the Enrollment Committee's initial decision regarding the affected Chevaliers.

## PROBATE:

Secretary position for two years (1980 & 1982) In all, she has been a Legislative member for four terms. Kelley previously served as Menominee Town and County Treasurer for the past 27.3 years. Only three votes separated legislative candidate Adrian 'Dusty' Miller (6th place position in the primary election) and the incumbent - 376 to 373 respectively. The close results between the pair, prompted the incumbent to request a recount that was held on Wed., Nov. 15th.

The top five (5) finishers, whose names will appear on the ballot along with Adrian Miller, include: Sarah Skubitz, Lorene Pocan, Lisa S. Waukau, Louis Dixon, and Myron Pyawasit. The final election will be held on Wednesday, January 10th, 2001 at the Neopit Fire Station and Thursday, January 11th 2001 in Keshena in the Gordon Dickie Center conference room. The polls will be open from 10:00 a.m. to 8:00 p.m. both days. The top three in the final election will be seated on Friday, February 9, 2001.

## VIOLENCE:

1997 study of domestic abuse in west-central Minnesota. "It's also about being in a small town and everyone knowing you. The lack of anonymity can be fatal." Partly due to these obstacles, a substantial share of domestic violence cases occur in rural Minnesota and Wisconsin, experts say.

A Saint Paul Pioneer Press review of homicide cases compiled by advocacy groups and law enforcement agencies found about one in four domestic killings in recent years have taken place in the two states' most rural counties.

The Minnesota cases, 192 deaths in both rural and metropolitan areas from 1988 to 1999, were compiled by the Minnesota Coalition for Battered Women, an advocacy group. The Wisconsin cases, 189 from 1994 to 1998, came from the Wisconsin Justice Department's Office of Crime Victim Services.

Isolation, above all other factors, is mentioned the most by experts as an obstacle that makes it hard for victims to get needed services. Domestic abuse calls often are not responded to as quickly in spread-out communities with few police officers.

"Because of the rural settings, we don't have the immediate response times," said Ann Wade, the recently elected sheriff in Polk County, Wis. "It can sometimes take us 10, 15, 20 minutes to respond to a domestic violence call compared to a metropolitan area, where the response is probably within 5 minutes."

Transportation also is an issue. The nearest town can be miles away, and a shelter even farther. Kershner's study, involving 1,600 women in nine counties, found that those with limited access to vehicles were more than twice as likely to be abused, and women with little access to telephones were at even greater risk. In small communities, women face a lack of privacy.

"If you step out and there's the potential for you to be known as a victim, everybody knows it," said Laurie Ohmann, director of the Minnesota Center for Crime Victim Services. In the 1997 study, nearly 1 in 5 women said that lack of anonymity would make it difficult to discuss abuse with a doctor or nurse.

Farm women also face concerns over who will care for their animals, advocates say. One woman delayed coming to a shelter because no one would be able to take care of her horses, said Dianne Long, director of the Region 4 Council on Domestic Violence in Fergus Falls.

Patti Seger, policy development coordinator for the Wisconsin Coalition Against Domestic Violence, said some women have avoided calling police "because who's going to milk the cows in the morning? They can't do it all themselves." Other factors that experts cite are a sense of self-reliance and trust in God, as well as acceptance of guns in rural areas.

Victim advocates agree there are more programs and services available to victims today than in past years, but some say even more are needed. Cyndi Cook, with the Minnesota Coalition for Battered Women, said 15 Minnesota counties still lack an advocacy program or shelter specifically tailored to domestic abuse victims. Wisconsin, by contrast, has a domestic abuse program - either a shelter or an outreach program - in every county and on all 11 American Indian reservations.